

TULARE COUNTY WATER COMMISSION
MEETING MINUTES
July 14, 2014

Members Present:

Allen Ishida, Board Representative and Chairman
Mike Ennis, Board Alternate Representative
Mark Larsen, District 3 Appointee
Chris Kapheim, District 4 Appointee
Richard L. Schafer, District 5 Appointee
Dennis Keller, At-Large Appointee
Dale Brogan, District 2 Appointee
Roger Everett, At-Large Appointee
Paul Boyer, District 1 Appointee

Members Absent:

Rudy Mendoza, TCAG Representative
Susana De Anda, At-Large Appointee

Staff Present:

Kyria Fierros, Tulare County Board of Supervisors
Denise England, County Administrative Office
Will Jackson, County Counsel

1. Call to Order

The meeting was called to order at 3:02pm.

2. Public Comment Period

Carol Clum of Three Rivers provided the Commissioners with two handouts. See attachment for comments.

3. Approval of Minutes from June 9, 2014 meeting

Minutes were amended and approved with a motion made by Commissioner Schafer and seconded by Commissioner Kapheim. Motion approved with Commissioner Boyer abstaining.

4. Discussion on the CA Water Bond

Chairman Ishida reported that there were no new developments regarding the Water Bond in the past 30 days. He indicated that the Governor's proposal totaled \$6 billion and contended that the various conservancies should be deciding priorities for funding projects.

Commissioner Larsen discussed Friant Water Authority's review of the Bond and requested removal of earmarks and supported storage projects, but not specific projects. Commissioner Schafer indicated that the Governor's \$6 billion proposal only include \$2 million for storage projects. He indicated that August 8-11 is the deadline for a bill to move forward.

Commissioner Kapheim commented that ACWA's \$8.2 billion proposal had received a lot of support and he felt it could easily be trimmed to \$7.2 billion and garner more support. He believed that raising storage to \$2.5- \$2.7 billion would most likely be supported. He stated that there is a great need for the Bond and the time is now to make that happen. He stated that deadlines help folks make deals and the deadline will be upon the Legislature when they return from break.

5. Discussion regarding pending legislation- AB 793, AB 1739, SB 1168

Commissioner Kapheim shared that the AB 1793 and SB 1168 were being merged over the summer break. He affirmed his participation in groundwater management stakeholder meetings being facilitated by the Governor's Office. He reported that after the first meeting talk moved from "sustainable" to "safe yield". He went on to describe the concept of "safe yield" and explained how it would be a better management indicator than sustaining groundwater due to fluctuation in groundwater levels due to impacts other than pumping (ie surface water supply). He encouraged folks to get involved in the stakeholder process and expected that the final language would be in place by August 29th.

Commissioner Larsen noted that the drought conditions are bringing groundwater management to the forefront. He cautioned that this issue is extremely complex and language should have taken a few years to craft.

Commissioner Schafer reported that he had thoroughly read and reviewed AB 1739 and pointed out the bill had all of the necessary details to manage groundwater at the local level. He indicated his support of the bill if the Legislature truly needed to take action. He is of the opinion that there will be a groundwater bill passed this year.

Commissioner Schafer stressed the importance of definitions and provided the Porter Cologne Act as an example where a lack of detailed definitions has resulted in unintended consequences of the Act. A second concern is flexibility for local agencies to maintain "safe yields". He underscored the lack of sufficient historical data for any basin to effectively determine safe yield. It is important to gather baseline data to identify potential impacts and there is not a way to pay for the costly research and analysis. Finally, Commissioner Schafer accentuated the importance of timing when gathering information such as groundwater levels, yield, surface water availability, and other factors.

Commissioner Kapheim suggested that the Commission and Board of Supervisors should weigh in on the bills once merged language has been released. He explained that SB 1168 would go through the legislative process as if it were a bill created by the State Water Board. Commissioner Schafer responded that he would rather see the issue progress through the courts than the Water Board because the courts would not be subject to political pressures.

Commissioner Keller remarked that the right to groundwater is moving from a property right to having direct involvement from the State Water Board and a significant taking of rights. He went on to describe the difficulties any basin, except those that are adjudicated, would have carrying out the proposed requirements from a procedural standpoint. He provided examples of small communities that do not pay into importation of surface water, but pump groundwater may be exceeding "safe yield". This begs the question of how any local agency would enforce regulations and from where does the expertise, time, and money come. He concluded by calling SB 1168 draconian in its attempt at groundwater management.

Commissioner Schafer commented in opposition of AB 793. The bill would create the San Joaquin Valley Groundwater Conservancy. He asserted that the bill appears to create an unnecessary governance structure that includes 15 directors tasked with creating a sustainable groundwater plan for the entire San Joaquin Valley. He questioned the proposed group's ability to solve anything and contended that there

were adequate management systems in place locally. He recommended opposing the bill.

Commissioner Keller echoed these sentiments and added that in Tulare County district by district management has proven quite successful. He considered the projects already underway and insisted that a large politically divided bureaucracy would inhibit such projects.

Commissioner Kapheim concluded the discussion emphasizing that funding such endeavors almost always proves impossible. He discussed the challenges surround Proposition 218 and Section 6 as funding barriers.

Chairman Ishida directed staff to prepare a letter of opposition to AB 793 to be considered by the Board of Supervisors at their next meeting.

6. Discussion on Groundwater Workshop for Tulare County Board of Supervisors July 22, 2014

Denise England, Sr. Administrative Analyst- Water Resources, gave an overview of the draft agenda item for a groundwater workshop that will be held for the Board of Supervisors on July 22, 2014. Ms. England provided information on three options listed on the agenda and clarified that the three were not mutually exclusive, but that the Board could provide direction on any and/or all and/or a combination of the three options. The topics discussed were updating the Well Ordinance, Groundwater Exportation Ordinance, and groundwater policy.

Ms. England reported that the well ordinance had been reviewed by an ad-hoc committee of the Commission in March and the revisions and edits contained in the attachments were discussed by this ad-hoc group. Staff would be seeking Board direction as to when to update the well ordinance in light of revisions to well regulations statewide.

Ms. England spoke about the groundwater exportation ordinance. She informed the Commission that the Agricultural Policy Advisory Committee had sent a memo to the Board requesting a moratorium on groundwater exports outside of the County boundaries. Ms. England acknowledged the Commissioners work on the groundwater exportation ordinance and solicited feedback regarding the need for such a prohibition.

Commissioner Brogan questioned what was driving this workshop and the topics that were being discussed. He clarified that the Commission is an advisory group for the Board and recommendations on water policy, regulation, and issues should come from the Commission to the Board.

Ms. England responded that an addition to the groundwater exportation ordinance could be made so the Board could refer the matter back to the Water Commission for guidance.

Ms. England described the third topic of groundwater policy and explained that this was to inform the Board of all of the programs and relationships that are in place. This topic was aimed at getting approval from the Board to continue to work with water districts and other local agencies on water policy.

Commissioner Keller detailed the complexity of water exchanges and the importance of maintaining the utmost flexibility, especially in a drought year as critical as this one.

7. Update on Tulare Lake Basin Disadvantage Community Water Study

Ms. England reported that the draft of the final report is available for review on the website. The final SOAC meeting will be held August 11th from 4:30 to 6:30 pm at the County Administrative Office. The final report will be presented to the Board of Supervisors in late August.

8. Subcommittee Reports

Commissioner Schafer reported that due to the completion of several studies the Nitrate Subcommittee may no longer be necessary.

9. Staff Reports

None at this time.

10. Commissioners Comments

Commissioner Boyer commented that he was absent from the June meeting due to an OES drought meeting that went too long. He reported that 15-20 wells in the unincorporated community of Cameron Creek had gone dry because they were very shallow. He reported that barrels were being used to provide water for sanitation in the homes affected.

Commissioner Schafer reported that the Army Corps of Engineers were finishing the report to the Senior Oversight Committee that would most likely allow the advancement of the Success Reservoir project.

Chairman Ishida stated that there was a meeting today put on by the Tulare County Office of Emergency Services. Different agencies meet to discuss the drought. The meeting today was in Farmersville. Discussion followed.

11. Next meeting – Monday, August 11, 2014, 3:00 p.m. – Board of Supervisors Chambers

12. Adjourn

Meeting adjourned at 4:41pm.